

UNITED STATES DISTRICT COURT

EASTERN

District of

NEW YORK

UNITED STATES OF AMERICA

SECOND AMENDED

JUDGMENT IN A CRIMINAL CASE

V.

(For Revocation of Probation or Supervised Release)

MOHAMMED PASHA

Case Number: CR-01-1123-01 (ADS)

USM Number:

Bruce Barket, Esq. (RET) / Richard P. Donoghue, AUSA

Defendant's Attorney

THE DEFENDANT:

☐ admitted guilty to violation of condition(s) _____ of the term of supervision.

X was found in violation of condition(s) 1 OF VIOL. OF S. RELEASE after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number

1

Nature of Violation

THE OFFENDER SHALL NOT COMMIT ANOTHER FEDERAL,
STATE OR LOCAL CRIME

Violation Ended

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: 088-80-9631

Defendant's Date of Birth: 8/9/1965

December 22, 2003

Date of Imposition of Judgment

Defendant's Residence Address:

Signature of Judge

INCARCERATED

HONORABLE ARTHUR D. SPATT

Name and Title of Judge

Defendant's Mailing Address:

May 10, 2005

Date

SAME AS ABOVE

DEFENDANT: MOHAMMED PASHA
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

EIGHTEEN (18) MONTHS. THIS SENTENCE IS CONSECUTIVE TO THE NEW YORK STATE SENTENCE OF ONE (1) TO THREE (3) YEARS.

X The court makes the following recommendations to the Bureau of Prisons:
THAT THE DEFENDANT BE GIVEN CREDIT FOR TIME ALREADY SERVED FROM SEPTEMBER 15, 2003 IN FEDERAL CUSTODY. THAT THE DEFENDANT SERVE HIS SENTENCE AT THE METROPOLITAN DETENTION CENTER IN BROOKLYN TO BE NEAR HIS FAMILY.

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

EIGHTEEN (18) MONTHS BALANCE LEFT ON HIS ORIGINAL TERM OF SUPERVISED RELEASE.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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ADDITIONAL SUPERVISED RELEASE TERMS

1. IN VIEW OF HIS PAST CONDUCT, THE DEFENDANT IS SUBJECT TO A SEARCH OF HIS RESIDENCE, WORK OR THE AUTOMOBILE HE OCCUPIES BY THE PROBATION DEPARTMENT.
2. THE ORIGINAL CONDITIONS OF SUPERVISED RELEASE IMPOSED BY JUDGE KENDALL IN THE NORTHERN DISTRICT OF TEXAS ARE REINSTATED, NAMELY, THE RESTITUTION IN THE AMOUNT OF TWO MILLION TWO HUNDRED SEVENTY SIX THOUSAND TWO HUNDRED TWENTY DOLLARS AND SEVENTY NINE CENTS (\$2,276,220.79, PAYABLE TO THE U.S. DISTRICT COURT FOR DISBURSEMENT TO: AT&T, SOUTHWESTERN BELL TELEPHONE COMPANY, MCI TELECOMMUNICATIONS AND NYNEX. PAYMENT SHALL BEGIN WHILE THE DEFENDANT IS INCARCERATED, AND THE BALANCE SHALL BE PAYABLE THROUGH EQUAL MONTHLY INSTALLMENTS OF AT LEAST ONE THOUSAND DOLLARS (\$1,000.00). PAYMENT OF RESTITUTION SHALL BE JOINTLY AND SEVERALLY WITH CO-DEFENDANTS, ISHTIAQ AHMED, MOHAMMED TALHA AND NAUSHABA ASLAM. THE COURT WAIVES INTEREST ON THE RESTITUTION, PURSUANT TO 18 U.S.C. 361Q(f)(3). (CO-DEFENDANTS FROM THE
3. THE DEFENDANT SHALL REFRAIN FROM INCURRING NEW CREDIT CHARGES OR OPENING ADDITIONAL LINES OF CREDIT WITHOUT APPROVAL OF THE PROBATION OFFICER UNLESS THE PROBATION OFFICER MAKES A DETERMINATION THAT THE DEFENDANT IS IN COMPLIANCE WITH THE PAYMENT SCHEDULE.
4. THE DEFENDANT SHALL PROVIDE THE PROBATION OFFICER ANY REQUESTED FINANCIAL INFORMATION.
5. THE DEFENDANT SHALL NOT ENTER INTO ANY SELF-EMPLOYMENT WHILE UNDER SUPERVISION WITHOUT PRIOR APPROVAL OF THE PROBATION OFFICER.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments set forth on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$	\$	\$ 2,276,220.79

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case(AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
AT&T Attn: Kathy Fickey 685 Routes 202/206 Bridgewater, NJ 08807		\$1,418,947.00	
SOUTHWESTERN BELL TELEPHONE COMPANY Attn: Robert Weber One Bell Center, 39-N-12 St. Louis, MO 63101		\$810,174.23	
MCI Telecommunications Attn: Coy McNeil 12790 Merit Drive Dallas, TX 75251		\$45,085.40	
NYNEX, Attn: Martin Preede 1095 Avenue of the Americas NY, NY 10036		\$2014.16	
TOTALS	\$ _____	\$ 2,276,220.79	

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution or a fine more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

X The court determined that the defendant does not have the ability to pay interest and it is ordered that:

X the interest requirement is waived for the ☐ fine X restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.